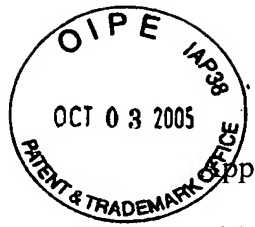


TJW

Atty. Dkt. No. 083847-0231



**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: Hua Zhang et al.

Title: Fabrication of Solid-State Nanostructures  
Including sub-50 nm Solid-State Nanostructures  
Based on Nanolithography and Chemical  
Etching

Appl. No.: 10/725,939

Filing Date: 12/03/2003

Examiner: Unassigned

Art Unit: 1762

**RESPONSE TO NOTICE TO COMPLY**

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

In response to the Notice to Comply mailed August 4, 2005, the Applicants respectfully submit that they already have filed the sequence listings needed to comply with the USPTO rules on August 27, 2004. Based on a telephone call with Ms. Durham (571-272-4000), and with Ms. Stokes (OIPE, 571-272-4000), the Applicants understanding is that the USPTO has misplaced required documents. Therefore, the Applicants are filing again paper copies of the documents needed to comply with the rules.

Resubmitted are (1) date stamped postcard dated August 27, 2004; (2) Transmittal of Missing Parts of Patent Application signed August 27, 2004; (3) Notice to File Missing Parts dated April 27, 2004; (4) Response to Notice to Comply signed August 27, 2004; (5) Amendment under Rules 821-825 signed August 27, 2004; (6) Sequence listing (2 pgs, 4 sequences); and (7) computer readable format disk with statement that the sequence listing

information recorded in computer readable form is identical to the written (on paper or compact disk) sequence listing.


The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

Applicants believe there is no fee due, however, the Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741.

Respectfully submitted,

Date October 3, 2005

FOLEY & LARDNER LLP  
Customer Number: 22428  
Telephone: (202) 672-5569  
Facsimile: (202) 672-5399

By   
J. Steven Rutt  
Attorney for Applicant  
Registration No. 40,153



## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
 United States Patent and Trademark Office  
 Address: COMMISSIONER FOR PATENTS  
 P.O. Box 1450  
 Alexandria, Virginia 22313-1450  
 www.uspto.gov

APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/725,939	12/03/2003	Hua Zhang	083847-0231

CONFIRMATION NO. 4466

## FORMALITIES LETTER



\*OC000000016704838\*

23533

STEPHEN B MAEBIUS  
 FOLEY AND LARDNER  
 3000 K STREET N W SUITE 500  
 WASHINGTON, DC 20007-5109

Date Mailed: 08/04/2005

# NOTICE TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS CONTAINING NUCLEOTIDE SEQUENCE AND/OR AMINO ACID SEQUENCE DISCLOSURES

*Filing Date Granted*

Applicant is given **TWO MONTHS FROM THE DATE OF THIS NOTICE** within which to file the items indicated below to avoid abandonment. Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

- This application does not contain, as a separate part of the disclosure on paper copy, a "Sequence Listing" as required by 37 CFR 1.821(c) Applicant must provide an initial paper or compact disc copy of the "Sequence Listing", as well as an amendment directing its entry into the application and a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000).

To Download Patentin Software, visit <http://www.uspto.gov/web/patents/software.htm>

For questions regarding compliance to these requirements, please contact:

- For Rules Interpretation, call (571) 272-0951
- For Patentin Software Program Help, call Patent EBC at 1-866-217-9197 or directly at 703-305-3028 / 703-308-6845 between the hours of 6 a.m. and 12 midnight, Monday through Friday, EST.
- Send e-mail correspondence for Patentin Software Program Help @[ebc@uspto.gov](mailto:ebc@uspto.gov)

Replies should be mailed to: Mail Stop Missing Parts  
 Commissioner for Patents  
 P.O. Box 1450  
 Alexandria VA 22313-1450

*A copy of this notice MUST be returned with the reply.*

Phuong Bin  
Office of Initial Patent Examination (703) 308-1202

PART 1 - ATTORNEY/APPLICANT COPY



Title: Fabrication of sub-50 nm Solid-State Nanostructures Based on Nanolithography  
Inventor(s): Hua Zhang et al.  
Appl. No.: 10/725,939

Dkt. No. 083847-0231  
Filed: December 3, 2003

- Transmittal of Missing Parts (3 pgs.);
- Copy of Notice to File Missing Parts (2 pgs.);
- Executed Declaration and Power of Attorney (15 pgs.);
- Information Disclosure Statement (2 pgs.); SB08 (5 pgs.) along with 87 copies of cited references
- Response to Notice to Comply with Seq. Rules; amendment in response to Notice to Comply; Seq. Listing (paper & CRF disk); & statement both disk and paper are identical;
- Extension & fee
- Check # 37982 for \$2,568.00

Due Date: August 27, 2004 Attorney Initials: SRU/smw/daf  
Date Filed: August 27, 2004 Insp. By: L. Bell



(51)



**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

**Applicant:** Hua Zhang et al.

**Title:** Fabrication of Solid-State Nanostructures Including Sub-50 NM Solid-State Nanostructures Based on Nanolithography and Chemical Etching

**Appl. No.:** 10/725,939

**Filing Date:** 12/3/2003

**Examiner:** Unassigned

**Art Unit:** 1762

**TRANSMITTAL OF MISSING PARTS**  
**OF PATENT APPLICATION**

Mail Stop Missing Parts  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

In response to the Notice to File Missing Parts of Application mailed April 27, 2004, in the above-identified application, transmitted herewith are the missing parts to complete the filing of the subject patent application.

Enclosed are:

[ X ] Declaration and Power of Attorney (15 pages)

Any attached specification is a copy of the specification and any amendments thereto which were filed in the U.S. Patent and Trademark Office in order to obtain a filing date for the application.

[ X ] Return Copy of Notice to File Missing Parts

[ X ] Information Disclosure Statement (2 pgs.); SB08 (5 pgs.) along with 87 copies of references cited therein;

[ X ] Response to Notice to Comply with Sequence Rules; amendment in response to notice to comply; sequence listing (paper and disk); and statement that both disk and paper are identical.

[ X ] Applicants hereby petition for an extension of time under 37 C.F.R. §1.136(a) for the total number of months checked below:

- ☐ Extension for response filed within the first month  
☒ Extension for response filed within the second month  
☐ Extension for response filed within the third month  
☐ Extension for response filed within the fourth month  
☐ Extension for response filed within the fifth month

The filing fee is calculated below:

	Claims as Filed	Included in Basic Fee	Extra Claims	Rate	Fee Totals
Basic Fee				\$770.00	\$770.00
Total Claims:	75	- 20	= 55	x \$18.00	= \$990.00
Independents	6	- 3	= 3	x \$86.00	= \$258.00
If any Multiple Dependent Claim(s) present:			+	\$290.00	= \$0.00
Surcharge under 37 CFR 1.16(e) for late filing of Executed Declaration and late payment of filing fee			+	\$130.00	= \$130.00
			SUBTOTAL:		= \$2,148.00
[ X ] Extension fee for response filed within the second month:					= \$420.00
			TOTAL FILING FEE:		= \$2,568.00
			TOTAL FEE		= \$2,568.00
Difference to pay:			- \$0.00	-	= \$2,568.00

[ X ] Check in the amount of \$2,568.00 in payment of  
surcharge fee (37 C.F.R. § 1.16(e))

[ ] Please charge Deposit Account No. 19-0741 in the amount  
of \$0.00 in payment of surcharge fee (37 C.F.R. § 1.16(e))

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741.

Respectfully submitted,

Date August 27, 2004  
 FOLEY & LARDNER LLP  
 Customer Number: 22428  
 Telephone: (202) 672-5300  
 Facsimile: (202) 672-5399

By J. Steven Rutt  
 J. Steven Rutt  
 Attorney for Applicants  
 Registration No. 40,153



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
0725,939	12/03/2003	Hua Zhang	083847-0231

CONFIRMATION NO. 4466

## FORMALITIES LETTER

\*OC000000012455282\*

FOLEY AND LARDNER  
SUITE 500  
3000 K STREET NW  
WASHINGTON, DC 20007

Date Mailed: 04/27/2004

## NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

*Filing Date Granted*

### Items Required To Avoid Abandonment:

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The statutory basic filing fee is missing.  
*Applicant must submit \$ 770 to complete the basic filing fee for a non-small entity. If appropriate, applicant may make a written assertion of entitlement to small entity status and pay the small entity filing fee (37 CFR 1.27).*
- The oath or declaration is missing.  
*A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.*
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.
- This application clearly fails to comply with the requirements of 37 CFR. 1.821-1.825. Applicant's attention is directed to the final rulemaking notice published at 55 FR 18230 (May 1, 1990), and 1114 OG 29 (May 15, 1990). If the effective filing date is on or after July 1, 1998, see the final rulemaking notice published at 63 FR 29620 (June 1, 1998) and 1211 OG 82 (June 23, 1998). If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000). Applicant must provide an initial computer readable form (CRF) copy of the "Sequence Listing", an initial paper or compact disc copy of the "Sequence Listing", as well as an amendment directing its entry into the application. Applicant must also provide a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). If applicant desires the sequence listing in the instant application to be identical with that of another application on file in the U.S. Patent and Trademark Office, such request in accordance with 37 CFR 1.821(e) may be submitted in lieu of a new CRF.



For questions regarding compliance to these requirements, please contact:

- For Rules Interpretation, call (703) 308-4216
- To Purchase PatentIn Software, call (703) 306-2600
- For PatentIn Software Program Help, call (703) 306-4119 or e-mail at patin21help@uspto.gov or patin3help@uspto.gov

The applicant needs to satisfy supplemental fees problems indicated below.

The required item(s) identified below must be timely submitted to avoid abandonment:

- Additional claim fees of \$1248 as a non-small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due.

**SUMMARY OF FEES DUE:**

Total additional fee(s) required for this application is \$2148 for a Large Entity

- \$770 Statutory basic filing fee.
  - \$130 Late oath or declaration Surcharge.
- 
- Total additional claim fee(s) for this application is \$1248
    - \$258 for 3 independent claims over 3.
    - \$990 for 55 total claims over 20.

Replies should be mailed to: Mail Stop Missing Parts  
Commissioner for Patents  
P.O. Box 1450  
Alexandria VA 22313-1450

*A copy of this notice **MUST** be returned with the reply.*



Customer Service Center  
Initial Patent Examination Division (703) 308-1202

PART 1 - ATTORNEY/APPLICANT COPY

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE



Applicants: Hua ZHANG et al.

Title: FABRICATION OF SOLID-STATE  
NANOSTRUCTURES INCLUDING SUB-50 NM  
SOLID-STATE NANOSTRUCTURES BASED ON  
NANOLITHOGRAPHY AND CHEMICAL ETCHING

Appl. No.: 10/725,939

Filing Date: 12/03/2003

Examiner: Unassigned

Art Unit: 1762

RESPONSE TO NOTICE TO COMPLY WITH REQUIREMENTS  
FOR PATENT APPLICATIONS CONTAINING NUCLEOTIDE SEQUENCE AND/OR  
AMINO ACID SEQUENCE DISCLOSURES

Mail Stop Box Sequence  
Commissioner for Patents  
P. O. Box 1450  
Alexandria, VA 22313-1450

Sir:

In response to the Notification of Missing Requirements mailed on April 27, 2004, enclosed are copies of the Sequence Listing and Statement to Support Filing and Submission in accordance with 37 C.F.R. §§ 1.821-1.825. Also enclosed is a diskette containing the Sequence Listing in computer readable form and an Amendment directing entry of the sequence listing into the application.

Please direct all correspondence to the undersigned attorney or agent at the address indicated below.

Respectfully submitted,

Date August 27, 2004

FOLEY & LARDNER  
Customer Number: 22428  
Telephone: (202) 672-5407  
Facsimile: (202) 672-5399

By J. Steven Rutt

J. Steven Rutt  
Attorney for Applicants  
Registration No. 40,153